



**U.S. Citizenship
and Immigration
Services**

**Non-Precedent Decision of the
Administrative Appeals Office**

In Re: 34750890

Date: NOV. 12, 2024

Appeal of Nebraska Service Center Decision

Form I-140, Immigrant Petition for Alien Workers (Extraordinary Ability)

The Petitioner, an orthopedic surgeon specializing in spinal surgery, seeks classification as an individual of extraordinary ability. *See* Immigration and Nationality Act (the Act) section 203(b)(1)(A), 8 U.S.C. § 1153(b)(1)(A). This first preference classification makes immigrant visas available to those who can demonstrate their extraordinary ability through sustained national or international acclaim and whose achievements have been recognized in their field through extensive documentation.

The Director of the Nebraska Service Center denied the petition, concluding that the record did not establish that the Petitioner had satisfied at least three of ten initial evidentiary criteria, as required. The Director also concluded that the Petitioner had not established that he will continue working in his area of expertise in the United States. The matter is now before us on appeal under 8 C.F.R. § 103.3.

The Petitioner bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). We review the questions in this matter de novo. *Matter of Christo's, Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015). Upon de novo review, we will dismiss the appeal.

I. LAW

Section 203(b)(1)(A) of the Act makes immigrant visas available to individuals with extraordinary ability in the sciences, arts, education, business, or athletics which has been demonstrated by sustained national or international acclaim and whose achievements have been recognized in the field through extensive documentation. These individuals must seek to enter the United States to continue work in the area of extraordinary ability, and their entry into the United States will substantially benefit the United States. The term “extraordinary ability” refers only to those individuals in “that small percentage who have risen to the very top of the field of endeavor.” 8 C.F.R. § 204.5(h)(2). The implementing regulation at 8 C.F.R. § 204.5(h)(3) sets forth a multi-part analysis. First, a petitioner can demonstrate international recognition of their achievements in the field through a one-time achievement in the form of a major, internationally recognized award. Or the petitioner can submit evidence that meets at least three of the ten criteria listed at 8 C.F.R. § 204.5(h)(3)(i)–(x), including

items such as awards, published material in certain media, and scholarly articles. If those standards do not readily apply to the individual's occupation, then the regulation at 8 C.F.R. § 204.5(h)(4) allows the submission of comparable evidence.

Once a petitioner has met the initial evidence requirements, the next step is a final merits determination, in which we assess whether the record shows sustained national or international acclaim and demonstrates that the individual is among the small percentage at the very top of the field of endeavor. *See Kazarian v. USCIS*, 596 F.3d 1115 (9th Cir. 2010) (discussing a two-part review where the documentation is first counted and then, if fulfilling the required number of criteria, considered in the context of a final merits determination); *see also Visinscaia v. Beers*, 4 F. Supp. 3d 126, 131-32 (D.D.C. 2013); *Rijal v. USCIS*, 772 F. Supp. 2d 1339 (W.D. Wash. 2011).

II. ANALYSIS

The record indicates the Petitioner received a Ph.D. in China in 2007, after previously completing medical school. The Petitioner worked as a surgeon at [REDACTED], while also publishing several scholarly articles and inventing patented technology. He then became associate chief physician in the Orthopedics Department at [REDACTED] China.

Because the Petitioner has not indicated or shown that he received a major, internationally recognized award, he must satisfy at least three of the alternate regulatory criteria at 8 C.F.R. § 204.5(h)(3)(i)–(x). The Petitioner claims to have satisfied six of these criteria, summarized below:

- (ii), Membership in associations that require outstanding achievements;
- (iii), Published material about the individual in professional or major media;
- (iv), Participation as a judge of the work of others;
- (vi), Authorship of scholarly articles;
- (viii), Leading or critical role for distinguished organizations or establishments; and
- (ix), High remuneration for services.

The Director concluded that the Petitioner met two of the criteria, pertaining to judging and scholarly articles. On appeal, the Petitioner asserts that he also meets the other four claimed criteria.

Upon review of the record, we agree with the Director that the Petitioner has satisfied two criteria. We will discuss the other claimed criteria below.

Documentation of the alien's membership in associations in the field for which classification is sought, which require outstanding achievements of their members, as judged by recognized national or international experts in their disciplines or fields.
8 C.F.R. § 204.5(h)(3)(ii).

Initially, the Petitioner submitted evidence of his membership, service on committees, or recommendation for membership in nine associations. The Petitioner submitted excerpts from the constitutions of three of the associations: the Shanghai Association of Chinese Integrative Medicine (SACIM); the China Association for Disaster & Emergency Rescue Medicine (CADERM); and the China Medicine Education

Association (CMEA). The Petitioner did not submit information about the membership requirements of the other six named associations.

The SACIM's constitution indicates that prospective members must "[a]chieve certain achievements in the fields of medical treatment, teaching, scientific research, management and other disciplines of integrated traditional Chinese and Western medicine." The same document indicates that the admission of new members must be "[a]pproved by the Organization Committee of the Council."

The CADERM's constitution states:

Scientific and technical personnel, managers, and people from all walks of life who are engaged in emergency and medical rescue work and have the technical title of physician, assistant physician (or equivalent), as well as people from all walks of life who support medical rescue work, can apply to become individual members of this association.

The document also indicates that prospective members must "[h]ave a certain influence in the association's business (industry, discipline) field" (sic), and that membership applications are "[d]iscussed and approved by an organization approved by the Standing Council."

The CMEA's constitution indicates that membership is open to "[p]ractitioners of medicine, pharmacy and medical education, relevant experts and scholars" who "[h]ave certain influence and appeal within the business scope of the Association." Membership applications are "[d]iscussed and approved by the Standing Council of the Association or its authorized agencies." The only specified requirements for Council membership are membership in the CMEA and "a professional title of deputy senior or higher or . . . certain administrative positions in the unit."

In a request for evidence (RFE), the Director advised the Petitioner that the initial evidence did not show that any of the listed associations have qualifying membership requirements.

In response, the Petitioner resubmitted materials regarding the CMEA, CADERM, and SACIM, asserted that the Director did not consider the full implications of the submitted materials. For example, regarding the CMEA's requirement that members must "[h]ave certain influence and appeal within the business scope of the Association," the Petitioner stated that the Director "fails to recognize that . . . attaining a 'certain level of influence' in the field necessitates making outstanding achievements in the field."

The Director denied the petition, stating that the Petitioner had not established that "certain achievements" or "influence" "are considered analogous to outstanding achievements." The Director also concluded that the Petitioner had not shown that national or international experts judge membership applications for the specified associations as required to meet the criterion.

On appeal, the Petitioner states that the Director "does not disclose the reason why the USCIS (U.S. Citizenship and Immigration Services) remains unpersuaded," and "should explain the reasons why USCIS is not exercising discretion in favor of the [Petitioner]." But the Director adequately explained that the submitted membership materials do not show that the associations require a level of achievement commensurate with what the regulation requires. The Petitioner, who bears the burden of proof, has not established that "attaining a 'certain level of influence' in the field necessitates making outstanding

achievements in the field.” Requiring “achievements” is not the same as requiring “*outstanding* achievements,” because not every achievement rises to the level of being outstanding. Also, the Petitioner did not establish that nationally or internationally recognized experts make membership decisions, as the regulation requires.

The membership information in the record is not sufficiently detailed to establish that the CMEA, CADERM, and SACIM require outstanding achievements of their members, as judged by recognized national or international experts in their disciplines or fields as required by the regulation.

The Petitioner has not established that he meets the requirements of this criterion.

Published material about the alien in professional or major trade publications or other major media, relating to the alien’s work in the field for which classification is sought. Such evidence shall include the title, date, and author of the material, and any necessary translation. 8 C.F.R. § 204.5(h)(3)(iii).

The Petitioner submitted copies of online articles from *Sina*, *Ifeng*, and *Sohu*, detailing his career and describing his routine, with the example of a patient whose spinal condition caused numbness. The *Ifeng* and *Sohu* articles both include disclaimers. *Ifeng*’s disclaimer indicates that the content was “uploaded and posted by the user of . . . a social media platform.” *Sohu*’s disclaimer reads: “The views in this article only represent the author’s own. Sohu is an information publishing platform and Sohu only provides information storage space services.” The *Sina* article includes no such disclaimer, ending with two credits: “Source: News Express” and the name of the “Editor in charge.” The Petitioner initially asserted that the named editor is the author of the article, but the credit is ambiguous.

In denying the petition, the Director concluded that the articles appear to be promotional materials that appeared on user-edited “web portals,” rather than media coverage about the Petitioner. The Director also noted that the articles do not identify their respective authors as the regulation requires.

On appeal, the Petitioner asserts: “Sina News is a major media outlet in China,” rather than a site that posts user-submitted content. The Petitioner does not claim, on appeal, that any other submitted article satisfies the regulatory requirements for the criterion.

The Petitioner asserts: “The [*Sina*] article . . . was authored and reviewed by news professionals,” and “was reviewed by the Editor in Charge.” In the English translation, the editor’s name and title appear at the end of the article without further context or elaboration. The information does not reveal whether the individual is an editor at *Sina* or at News Express. The Petitioner does not cite to any record information about “News Express,” the identified source of the article, to show that it is staffed by “news professionals.” Statements in a brief, motion, or Notice of Appeal are not evidence and thus are not entitled to any evidentiary weight. *Matter of S-M-*, 22 I&N Dec. 49, 51 (BIA 1998). Without background information about “News Express,” we are left with an effectively anonymous article, and insufficient information as to how this article came to be published on *Sina*’s website.

The regulation at 8 C.F.R. § 204.5(h)(3)(iii) also requires submission of “any necessary translation.” The Petitioner submitted English translations of the Chinese-language articles, along with translator’s certifications for the articles as required by 8 C.F.R. § 103.2(b)(3), including the attestation “I have made

the attached translations.” But several anomalies lead us to question whether the translation certifications actually apply to the translated materials to which the Petitioner attached them. The certifications are dated November 20, 2022, nearly a year before the publication dates of the submitted articles in October 2023. The certifications do not identify the materials translated, instead referring generically to “the attached translations.” Also, markings printed on the English versions of the *Sina* and *Ifeng* articles show that they are machine translations, automatically generated by Google Translate rather than prepared by a human translator.

For the above reasons, the *Sina* article does not meet all the regulatory requirements. As noted above, the Petitioner does not claim on appeal that the other previously submitted articles meet the regulatory criterion.

Evidence that the alien has performed in a leading or critical role for organizations or establishments that have a distinguished reputation. 8 C.F.R. § 204.5(h)(3)(viii).

To satisfy this criterion, a petitioner must first establish that the individual has performed in a leading or critical role for an organization, establishment, or a division or department of an organization or establishment. For a leading role, the evidence must establish that the person is (or was) a leader within the organization or establishment or a division or department thereof. For a critical role, the evidence must establish that the person has contributed in a way that is of significant importance to the outcome of the activities of the organization or establishment or those of a division or department thereof. *See generally* 6 USCIS Policy Manual F.2(B)(1), <https://www.uscis.gov/policy-manual>.

Letters from persons with personal knowledge of the significance of the person’s leading or critical role can be particularly helpful in making this determination, so long as the letters contain detailed and probative information that specifically addresses how the person’s role for the organization, establishment, division, or department was leading or critical. *Id.* Evidence of experience must consist of letters from employers. *Id.*, citing 8 C.F.R. § 204.5(g)(1).

After a petitioner establishes the leading or critical nature of the person’s role, USCIS then determines whether the organization or establishment, or the department or division for which the person holds or held a leading or critical role, has a distinguished reputation. 6 USCIS Policy Manual, *supra*, at F.2(B)(1).

In this instance, the Director concluded that the Petitioner had not met his burden of proof to establish that his roles were leading or critical.

The Petitioner initially sought to satisfy this criterion through documentation of his various professional activities. In the RFE, the Director stated that the submitted evidence did not show that the Petitioner’s roles were leading or critical for [REDACTED]. The Director noted that several of the documents submitted under this criterion did not appear to relate to either of those hospitals.

The Director stated: “the petitioner may submit . . . [l]etters from current or former employer(s) or trainer(s) with personal knowledge of the significance of the petitioner’s leading or critical role.” The Director also stated that, if such letters “are unavailable, the petitioner may submit . . . [d]ocumentary evidence to demonstrate how the petitioner’s role was/is leading or critical.” The Petitioner responded

by submitting copies of previously submitted materials and new documents. The Petitioner did not submit employers' letters.

In the denial notice, the Director acknowledged the Petitioner's evidence, but stated: "USCIS considers reference letters from current or former employers to be primary evidence under this criterion," and the Petitioner had not submitted such letters.

On appeal, the Petitioner asserts that the regulations do not require the submission of employers' letters to the exclusion of all other evidence. The Petitioner notes that, in the RFE, the Director specified other types of evidence that the Petitioner could submit if employers' letters were not available.

We agree with the Petitioner that the Director, in the RFE, indicated that other evidence would be acceptable in the absence of employers' letters. We also agree with the Petitioner that the absence of such letters, by itself, does not in all cases prevent a petitioner from satisfying the requirements of this criterion. Nevertheless, without such letters, the burden remains on the Petitioner to establish that his roles were leading or critical.

Also, the Director did not stop at the conclusion that the Petitioner had not submitted employers' letters. The Director also determined that the Petitioner's evidence is not sufficient to meet the Petitioner's burden of proof. We agree, as explained below.

The Petitioner asserted that he meets the requirements of this criterion through his former position as a spine surgeon at [redacted] and his current role as associate chief surgeon in the Spine Surgery Department of [redacted]. In his initial statement, the Petitioner cited his "extensive research work" and "significant number of clinical tasks." The Petitioner added that he "has also represented [redacted] in external affairs. As a representative of [redacted] he served as the Vice President of [redacted]. The Petitioner further pointed to his participation at academic conferences, assessment of resident physicians, and "the compilation of [a] textbook."

As noted above, statements in a brief such as the Petitioner's introductory statement are not evidence, and therefore we turn to the supporting evidence submitted with that statement. The Petitioner submitted documents relating to his clinical and educational work, showing, for example, that he holds the title "associate chief physician"; edited a textbook; and conducted evaluation examinations for resident physicians. The Petitioner stated that he "undertook extensive research work" and "a significant number of clinical tasks," and "also represented [redacted] in external affairs." The Petitioner stated that these activities demonstrate his "leading and critical role at [redacted] but did not explain how this was so beyond pointing to the activities.

The Petitioner documented his invitations to participate in several medical conferences, and asserted that these invitations show "that he is widely recognized in the field of orthopedic spine surgery." Recognition is a factor to consider in the final merits determination. The Petitioner did not explain how these conference invitations demonstrate a leading or critical role for organizations or establishments with a distinguished reputation.

In response to the RFE, the Petitioner stated that his “critical role in [redacted] can be reflected in two major aspects: his position as the Vice President of [redacted] on behalf of [redacted] and his significant contributions to medical treatment in the Department of Orthopedics, [redacted]

The Petitioner’s response did not include any letters attesting to the leading or critical nature of his roles. The Petitioner submitted materials relating to his vice presidency of [redacted]. He did not claim that [redacted] has a distinguished reputation in its own right. Rather, he asserted that he held this title “on behalf of [redacted] which is about 600 miles or 1,000 kilometers northeast of [redacted]. The materials do not address how the Petitioner’s position at [redacted] was leading or critical for [redacted].

The Petitioner resubmitted medical records and other materials intended to show his “contributions to daily medical treatment.” The submitted materials show the Petitioner’s active involvement in patient treatment and academic discourse, but without further context they do not suffice to demonstrate that the Petitioner’s role at [redacted] was not only productive and helpful, but also leading or critical. The title of associate chief physician may show a leading role within the context of the Orthopedics Department, depending on the duties, but then the Petitioner would need to establish that department’s distinguished reputation. *See generally 6 USCIS Policy Manual, supra*, at F.2(B)(1).

The Petitioner repeated the assertion that, by attending academic conferences, he “represented [redacted] [redacted] in external affairs.” Materials from the conferences do not indicate that the Petitioner was invited to participate as a representative of [redacted].

The Director concluded the submitted documents “merely demonstrate that [the Petitioner has] been active in [his] field.” The Director also stated that, without further context, “USCIS is unable to evaluate the informational materials.”

On appeal, the Petitioner maintains that the previously “submitted material . . . clearly demonstrated how his performance in the role was critical.” The Petitioner repeats and expands upon prior arguments about “his position as the Vice President of [redacted] on behalf of [redacted] . . . and his significant contributions to medical treatment [at] [redacted]. The Petitioner asserts that “[h]is high volume of successful operations and effective team leadership have contributed to the hospital’s reputation for excellence.”

The Petitioner has not satisfactorily explained how his work at [redacted] was critical for [redacted]. The assertion that he was at [redacted] because [redacted] appointed him to the position does not suffice in this regard.

In terms of patient care at [redacted] the Petitioner held a leadership position below the top rank within the Orthopedics Department. The Petitioner has provided institutional information about the hospital as a whole, but has not demonstrated that the Orthopedics Department has a distinguished reputation in its own right. The evidence is ambiguous as to whether the Petitioner’s role in patient care was particularly critical within the staffing structure that included many other physicians and surgeons.

The Petitioner has maintained throughout this proceeding that the evidence illustrates his leading or critical roles, but, as noted above, statements in the appellate brief are not evidence. *Matter of S-M-*, 22 I&N Dec. at 51.

The incomplete evidence relating to the Petitioner’s various roles is not sufficient to meet his burden of proof to satisfy the requirements of the criterion.

Evidence that the alien has commanded a high salary or other significantly high remuneration for services, in relation to others in the field. 8 C.F.R. § 204.5(h)(3)(ix).

The Petitioner submitted copies of “Income Tax Queries” showing the Petitioner’s “Total Income” from January 2020 to June 2023. The Petitioner stated that he also submitted “payment records of individual income” that “corroborate [the] income statement,” but the “Payment Record[s] of Individual Income” show figures that do not match the totals on the income tax queries:

Year	Total Income	Total Tax Declared	Payment Record
2020	¥691,699	¥71,616	¥95,203
2021	1,078,366	164,843	193,377
2022	927,014	110,912	254,470 (2022-23 combined)
2023	815,131	138,754	—

The Petitioner did not explain why, or even acknowledge that, the figures on the two sets of documents do not match.

The payment records indicate that the Petitioner received “Salary Income” and, separately, “Remuneration for Personal Services.”

The Petitioner cited statistics from *Salary Explorer* showing that the 2024 average salary for a “doctor/physician” in China is ¥811,000, with a range between ¥303,600 and ¥1,392,000. The printout indicates: “The provided figure represents the median compensation that encompasses housing, transportation, and other perks. The salaries within the Doctor/Physician domain in China exhibit significant discrepancies across various professions.” The printout also referred to “the salaries listed below” for specific medical specialties, but the Petitioner did not submit that information.

The Petitioner also submitted a printout from *Comparably*, showing the average salary for a “spine surgeon” in the United States. This information does not apply in this proceeding, because the Petitioner has worked exclusively in China. We evaluate persons working outside of the United States based on the wage statistics or comparable evidence relevant to the applicable work location, rather than by converting the salary to U.S. dollars and then viewing whether that salary would be considered high in the United States. *See generally* 6 *USCIS Policy Manual*, *supra*, at F.2(B)(1).

In the RFE, the Director stated that the submitted evidence was not sufficient, because it did not “identify the source of income,” and because the totals shown on the payment records of individual income “are actually less than [the salaries of] other physicians in his native country.” The Director requested more specific and complete information, to establish both the Petitioner’s remuneration and reliable comparative figures.

In response, the Petitioner provides updated figures, showing that he earned ¥1,635,070 in 2023. The Petitioner suggests that the Director misinterpreted the prior partial-year figures as representing a full year's remuneration. The 2023 figures, more detailed than what the Petitioner submitted for 2020-22, identify 13 different sources of "General Labor Remuneration," "Normal Wage and Salary," and "Other Non-Discontinuous Labor Remuneration."

The Petitioner resubmitted the comparative data from *Salary Explorer*, along with figures from other sources. The Economic Research Institute stated that the average "Medical Doctor Salary in China" is ¥717,669 per year, plus an "Average Bonus" of ¥29,568. Figures from *Glassdoor* show a range from ¥200,000 to ¥500,000, with an average of ¥470,000, for "Physicians." A printout from *World Salaries* indicated: "A Doctor working in China will typically earn around 836,500 CNY per year," with figures ranging from ¥433,800 to ¥1,283,600.

The Director denied the petition, stating that the Petitioner had documented "several income streams from various organizations" and had not shown how much of his income was for his work as a spine surgeon. The Director also concluded that the Petitioner had not shown that the comparative salary figures for "doctors" and "physicians" accurately reflect the average remuneration of spine surgeons.

On appeal, the Petitioner states: "It is unreasonable for the reviewing officer to question whether the salary of a spine surgeon from a hospital is actually for performing spine surgeries. As a specialist in spine surgery, the petitioner's income is undoubtedly from his medical work." Among the 13 identified payment sources in the RFE response are several hospitals, but also the [redacted] [redacted] and the [redacted]. The Petitioner did not document that these entities paid him for performing spinal surgeries. The Petitioner also had administrative duties, such as his vice presidency of [redacted]. The burden of proof is on the Petitioner to establish the circumstances of his remuneration, and the Petitioner's unsupported assertion that all his income must, by definition, have come from performing spinal surgery has no evidentiary weight.

Regarding the salary data, the Petitioner asserts that, "as a spine surgeon, [the Petitioner] is unequivocally a medical doctor." There are numerous medical specialties, and the burden is on the Petitioner to establish that the submitted salary figures include and reflect salaries paid to surgeons. The Petitioner's prior submission of *Comparably* salary data specifically for "spine surgeons" establishes that statistics are gathered with that level of specificity.

Also, the *Glassdoor* printout for "Physicians" includes this passage: "Some related job titles are Doctor Salaries with median pay of CN¥19,926, Medical Doctor Salaries with median pay of CN¥686,871." This documented distinction between "physicians" and "medical doctors," with widely disparate median pay figures, is further evidence that relevant statistics are not compiled under one comprehensive heading.

The Petitioner has submitted inconsistent figures relating to his own remuneration, and has not shown that the salary statistics he submitted present an accurate average or range of salaries for spine surgeons in China. Therefore, we agree with the Director that the Petitioner has not met his burden of proof relating to this regulatory criterion.

For the reasons explained above, we conclude that the Petitioner has not met his burden of proof to satisfy the requirements of at least three of the criteria at 8 C.F.R. § 204.5(h)(3). Therefore, we reserve the separate issue of whether the Petitioner has established that he intends to continue in his area of expertise in the United States. *See INS v. Bagambashad*, 429 U.S. 24, 25-26 (1976) (stating that, like courts, federal agencies are not generally required to make findings and decisions unnecessary to the results they reach); *see also Matter of L-A-C-*, 26 I&N Dec. 516, 526 n.7 (BIA 2015) (declining to reach alternative issues on appeal where an applicant is otherwise ineligible).

III. CONCLUSION

The Petitioner has not submitted the required initial evidence of either a one-time achievement or documents that meet at least three of the ten lesser criteria. As a result, we need not provide the type of final merits determination referenced in *Kazarian*, 596 F.3d at 1119-20. Nevertheless, we advise that we have reviewed the record in the aggregate, concluding that it does not support a conclusion that the Petitioner has established the acclaim and recognition required for the classification sought.

The Petitioner seeks a highly restrictive visa classification, intended for individuals already at the top of their respective fields, rather than for individuals progressing toward the top. U.S. Citizenship and Immigration Services has long held that even athletes performing at the major league level do not automatically meet the “extraordinary ability” standard. *Matter of Price*, 20 I&N Dec. 953, 954 (Assoc. Comm’r 1994). Here, the Petitioner has not shown a degree of recognition of his work that indicates the required sustained national or international acclaim and demonstrates a “career of acclaimed work in the field” as contemplated by Congress. H.R. Rep. No. 101-723, 59 (Sept. 19, 1990); *see also* section 203(b)(1)(A) of the Act. Moreover, the record does not otherwise demonstrate that the Petitioner is one of the small percentage who has risen to the very top of the field of endeavor. *See* section 203(b)(1)(A) of the Act and 8 C.F.R. § 204.5(h)(2).

While the Petitioner has submitted hundreds of pages of documentation, the submitted evidence provides an incomplete picture of his medical career to allow us to fully assess whether he is one of a small percent at the top of his field. For example, the record contains no direct evidence of his medical degree to show the year of issuance and give a full picture of the length of his career; the only reference to his education appears in a submitted article. As another example of an ambiguous or unsupported claim, the introductory brief submitted with the petition indicates that the Petitioner “has been working in . . . orthopedic spine surgery for decades,” but the record does not document activity in the specific field before 2012, at most 12 years before the petition’s January 2024 filing date.

The materials also lack complete details of his duties with his former and current employers. The materials refer to him as a surgeon, but do not show how much time he spends on research, administrative duties, supervision of subordinates and students, and other tasks that may result from his position at a university-affiliated hospital. 2018 certificates from the [redacted] refer to the Petitioner with the title “Professor,” a title that also appears in a press release from [redacted] People’s Government. The record provides only fragmentary information about the nature of the Petitioner’s duties as vice president of [redacted]

The Petitioner has made claims about the significance of much of the evidence, such as his invitations to participate in conferences, which lack sufficient evidentiary support. The evidence indicates a successful

and productive career, but lacks sufficient context to show that the Petitioner has reached the small percentage at the top of his field.

The Petitioner has submitted three articles about his career, but the circumstances of their publication are not fully documented and leave questions. All were published within days of one another in late October 2023, shortly before the preparation and filing of the petition. Two of them – both published in the “Finance” or “Business” sections of the respective publications – include disclaimers indicating the articles were submitted by unidentified users.

The three articles are similar in tone, with overlapping details such as the Petitioner’s travel to Germany, his involvement in China’s “863 Program,” and his treatment of a patient experiencing numbness from spondylosis. The translations of all three articles sometimes use identical language, such as the statement that the Petitioner completes “an average of more than 500 spinal surgeries every year.” The similarities in the three articles, together with their almost simultaneous publication, are consistent with common authorship or origin from a common source. *Cf. Hamal v. U.S. Dep’t of Homeland Security*, No. 19-2534, slip op. at 8, n.3 (D.D.C. June 8, 2021) (holding that identical language in submitted letters “suggests that the letters were all prepared by the same person and calls into question the persuasive value of the letters’ content”). The publication of these three similar articles shortly before the petition’s filing date does not show a broader history of sustained national or international acclaim.

The Petitioner has not demonstrated eligibility as an individual of extraordinary ability. We will therefore dismiss the appeal.

ORDER: The appeal is dismissed.